



HAGENS BERMAN

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 SECOND AVENUE, SUITE 2000
SEATTLE, WA 98101
www.hbsslaw.com
steve@hbsslaw.com

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FILED VIA ECF

The Honorable Gregory H. Woods
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Fremgen v. Amazon.com, Inc., et al.*, Case No. 1:21-cv-351-GHW-DCF;
Sacks v. Amazon.com, Inc., Case No. 1:21-cv-421-GHW-DCF;
Weinberger v. Amazon.com, Inc., Case No. 1:21-cv-615-GHW-DCF;
Bonilla v. Amazon.com, Inc., Case No. 1:21-cv-01130-GHW-DCF;
Silverman v. Amazon.com, Inc., Case No. 1:21-cv-01256-GHW-DCF;
Cook v. Amazon.com, Inc., Case No. 1:21-cv-01369-GHW; and
Lerner v. Amazon.com, Inc., Case No. 1:21-cv-01561-GHW-DCF

Dear Judge Woods:

Plaintiffs in the above referenced related proposed class actions jointly submit this letter requesting an administrative order to allow the litigation to proceed. Plaintiffs have conferred with Defendants, who do not oppose Plaintiffs' request. Pending before the Court is the parties' February 24, 2021 request for an order that would (1) consolidate the above referenced cases for all purposes, revise the caption of the first-filed Fremgen case to reflect a consolidated action, (2) administratively close the later-filed Sack, Weinberger, Bonilla, Silverman, Cook, and Lerner cases, (3) consolidate for all purposes any proposed class action subsequently filed in, transferred or removed to this Court that arises out of the same or similar operative facts as the above referenced cases, and (4) authorize the plaintiffs to file a consolidated amended class action complaint upon entry of the Court's orders consolidating the actions and appointing interim lead counsel for the proposed class.¹ The Court has authority to consolidate actions that "involve a common question of law or fact."² All parties agree that consolidation is appropriate here and furthers the interests of a just and efficient resolution of the litigation because each of the above referenced actions asserts materially similar claims that Defendants engaged in anticompetitive conduct, as a result of which plaintiffs and members of the putative Class

¹ ECF 39. The parties also proposed a schedule for Defendants' responses to a consolidated amended class action complaint, which the Court declined to endorse. ECF 42.

² Fed. R. Civ. P. 42(a).

The Honorable Gregory H. Woods
May 10, 2021
Page 2

were overcharged for eBooks purchased through retailers other than Defendant Amazon.com, Inc.³

In an abundance of caution, the Court permitted objections to consolidation by March 12, 2021.⁴ No objections were submitted. The Court also deferred the Defendants' deadline to respond to the above referenced complaints "pending the resolution of the application to consolidate the cases pending before the Court and the application to appoint lead counsel for those cases."⁵ While the Court appointed Hagens Berman as Interim Lead Counsel for the putative Class,⁶ it has not acted on the parties' joint request to consolidate the cases nor requested any additional information from the parties concerning the proposed consolidation, which has left the litigation at a standstill. Consolidation would also alleviate the Court's administrative burden of managing separate dockets for multiple related cases. For example, the Court recently ordered the parties to submit case management statements in each of the above-referenced cases.⁷ Consolidation would permit a single filing.

Plaintiffs therefore respectfully request that the Court enter all appropriate orders to consolidate the actions, authorize filing of the consolidated amended complaint, and allow the litigation to proceed.

Dated: May 10, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP

By: 

Steve W. Berman
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

*Interim Lead Counsel for the Proposed Class,
Counsel for Plaintiffs Shannon Fremgen, Mary
Christopherson-Juve, Denise Deleon, Sandra
Wilde, and Michael Wilder*

³ ECF 39.

⁴ ECF 43.

⁵ ECF 43.

⁶ ECF 54.

⁷ ECF 56.

The Honorable Gregory H. Woods
May 10, 2021
Page 3

Dated: May 10, 2021

NUSSBAUM LAW GROUP, P.C.

By: /s/ Linda P. Nussbaum

Linda P. Nussbaum
1211 Avenue of the Americas, 40th Floor
New York, NY 10036
Telephone: (917) 438-9102
lnussbaum@nussbaumpc.com

Counsel for Plaintiff Jordan Sacks

Dated: May 10, 2021

SPECTOR ROSEMAN & KODROFF PC

By: /s/ Jeffrey Spector

Jeffrey Spector
Two Commerce Square
2001 Market Street, Suite 3420
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611
jspector@srkattorneys.com

*Counsel for Plaintiff Bonnie Weinberger,
Jeffrey Cook, Susan Cook, and Cecily Lerner*

Dated: May 10, 2021

ROBERTS LAW FIRM US, PC

By: /s/ Michael L. Roberts

Michael L. Roberts
Morgan Hunt
1920 McKinney Avenue, Suite 700
Dallas, TX 75204
Telephone: (501) 821-5575
Facsimile: (501) 821-4474
mikeroberts@robertslawfirm.us
morganhunt@robertslawfirm.us

Counsel for Plaintiff Mariacristina Bonilla

The Honorable Gregory H. Woods
May 10, 2021
Page 4

Dated: May 10, 2021

ROBINS KAPLAN LLP

By: /s/ Kellie Lerner

Kellie Lerner (#4446472)
399 Park Avenue, Suite 3600
New York, NY 10022
Telephone: (212) 980-7400
Facsimile: (212) 980-7499
klerner@robinskaplan.com

*Counsel for Plaintiffs Ethan Silverman,
Jeffery Tomasulo, and the Proposed Class*